

1 THOMAS P. O'BRIEN  
United States Attorney  
2 SANDRA R. BROWN  
Assistant United States Attorney  
3 Chief, Tax Division  
JOSEPH P. WILSON (SBN 228180)  
4 Assistant United States Attorney  
Federal Building, Suite 7211  
5 300 North Los Angeles Street  
Los Angeles, California 90012  
6 Telephone: (213) 894-4961  
Facsimile: (213) 894-0115  
7 E-mail: [Joseph.P.Wilson@usdoj.gov](mailto:Joseph.P.Wilson@usdoj.gov)

8 Attorneys for United States of America

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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA, ) Case No. ED CV 08-1087 VAP (MANx)  
13 )  
14 Petitioner, )  
15 vs. ) ORDER TO SHOW CAUSE  
16 DIANE VOGT, )  
17 Respondent. )  
18 \_\_\_\_\_ )

19  
20 Upon the Petition and supporting Memorandum of Points and Authorities, and  
21 the supporting Declaration to the Petition, the Court finds that Petitioner has  
22 established its *prima facie* case for judicial enforcement of the subject Internal  
23 Revenue Service ("IRS" and "Service") summons. *See* United States v. Powell,  
24 379 U.S. 48, 57-58, 85 S. Ct. 248, 13 L. Ed. 2d 112 (1964); *see also*, Crystal v. United  
25 States, 172 F.3d 1141, 1143-44 (9th Cir. 1999); United States v. Jose, 131 F.3d 1325,  
26 1327 (9th Cir. 1997); Fortney v. United States, 59 F.3d 117, 119-20 (9th Cir. 1995)  
27 (the Government's *prima facie* case is typically made through the sworn declaration  
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of the IRS agent who issued the summons); *accord*, United States v. Gilleran, 992 F.2d 232, 233 (9th Cir. 1993).

Therefore, **IT IS ORDERED** that Respondent appear before this District Court of the United States for the Central District of California, in Courtroom No. 2,

☐ United States Courthouse  
312 North Spring Street, Los Angeles, California, 90012

☐ Roybal Federal Building and United States Courthouse  
255 E. Temple Street, Los Angeles, California, 90012

☐ Ronald Reagan Federal Building and United States Courthouse  
411 West Fourth Street, Santa Ana, California, 92701

xx ☐ Brown Federal Building and United States Courthouse  
3470 Twelfth Street, Riverside, California, 92501

on October 20, 2008, at 10:00 a.m.,

and show cause why the testimony and production of books, papers, records, and other data demanded in the subject Internal Revenue Service summons should not be compelled.


**IT IS FURTHER ORDERED** that copies of this Order, the Petition, Memorandum of Points and Authorities, and accompanying Declaration be served promptly upon Respondent by any employee of the Internal Revenue Service or the United States Attorney's Office, by personal delivery or by certified mail, NO LATER THAN TWENTY (20) DAYS BEFORE THE HEARING DATE..

**IT IS FURTHER ORDERED** that NO LATER THAN ten (10) days after service upon Respondent of the herein described documents, Respondent shall file and serve a written response, supported by appropriate sworn statements, as well as any desired motions. If, prior to the return date of this Order, Respondent files a response with the Court stating that Respondent does not desire to oppose the relief sought in the Petition, nor wish to make an appearance, then the appearance of Respondent at any

1 hearing pursuant to this Order to Show Cause is excused, and Respondent shall be  
2 deemed to have complied with the requirements of this Order.

3 **IT IS FURTHER ORDERED** that all motions and issues raised by the  
4 pleadings will be considered on the return date of this Order. Only those issues raised  
5 by motion or brought into controversy by the responsive pleadings and supported by  
6 sworn statements filed within ten (10) days after service of the herein described  
7 documents will be considered by the Court. All allegations in the Petition  
8 not contested by such responsive pleadings or by sworn statements will be deemed  
9 admitted.

10  
11 DATED: This 19TH day of August 2008.

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13   
14 VIRGINIA A. PHILLIPS  
15 UNITED STATES DISTRICT JUDGE

16  
17 Presented By:

18 THOMAS P. O'BRIEN  
19 United States Attorney

20 SANDRA R. BROWN  
21 Assistant United States Attorney  
22 Chief, Tax Division

23 \_\_\_\_\_  
24 JOSEPH P. WILSON  
25 Assistant United States Attorney  
26 Attorney for the United States of America  
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